

10/540023

JC20 Rec'd PCT/PTO 22 JUN 2005
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88639

Takahiro OHISHI, et al.

Appln. No.: Based on PCT/JP03/015821

Confirmation No.: Unknown

Group Art Unit: Unknown

Filed: June 22, 2005

Examiner: Unknown

For: PROCESSES FOR PRODUCING OPTICALLY ACTIVE 2-THIOMETHYL-3-PHENYLPROPIONIC ACID DERIVATIVE AND PRODUCING INTERMEDIATE THEREFOR

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

A copy of an International Search Report in a counterpart application is submitted herewith. The USPTO should receive copies of the references cited in the International Search Report from the International Bureau. Applicant will furnish any missing references upon request.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

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filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents (International Search Report for PCT/JP03/015821 dated March 23, 2004), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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Substitute for Form 1449 A & B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	Based on PTO/SB/08 A & B (06-03) 1682
				Confirmation Number	Unknown
				Filing Date	June 22, 2005
				First Named Inventor	Takahiro OHISHI
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	1	of	1	Attorney Docket Number	Q88639

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code ³	Number ⁴		
		WO	03/059869	A1	07-24-2003 KANEKA CORP
		JP	2003-295	A	01-07-2003 KANEGAFUCHI CHEMICAL IND CO LTD
		FR	2 772 027	A	06-11-1999 FOURNIER INDUSTRIE ET SANTE SA
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		WO	98/05634	A1	02-12-1998 KANEKA CORP
		WO	97/37665	A1	10-16-1997 BANYU PAHRM CO LTD
		WO	97/29086	A1	08-14-1997 SOCIETE CIVILE BIOPROJET
		WO	95/05374	A1	02-23-1995 BANYU PAHRM CO LTD
		EP	0 309 766	A2	04-05-1989 BANYU PAHRM CO LTD

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.			Translation ⁶
		Bioorg. Med. Chem., 2002, Vol. 10, No. 8, pp. 2553-2560			

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.